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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/741,533	12/19/2003	Thomas M. Slaight	10559-916001	5142

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EXAMINER

BAYARD, DJENANE M

ART UNIT	PAPER NUMBER
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2141

MAIL DATE	DELIVERY MODE
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09/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/741,533	SLAIGHT, THOMAS M.	
	Examiner	Art Unit	
	Djenane M. Bayard	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/6/05, 3/07/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1-9, 11-23, 25-34, 36-39 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,085,238 to Yuasa et al.

a. As per claims 1, 17, 27 and 38, Yuasa et al teaches a method comprising: accepting a segment of data from a host system (See col. 9, lines 15-25), a portion of the segment identifying a broadcast domain (See col. 26, lines 45-62, *the filter controls broadcast or multicast filtering*); comparing the portion with an identifier for a selected broadcast domain (See col. 26, lines 63-67, col. 27, lines 1-15 and col. 34, lines 49-62, *the VLAN control section collates the VLAN-ID tag of the received multiplexed data with the VLAN table for sorting the data to microsegments*); and filtering the segment from a network connection based on the comparison (See col. 36, lines 40-49).

b. As per claims 2, 18 and 29, Yuasa et al teaches the claimed invention as described above. Furthermore, Yuasa et al teaches wherein the host system comprises a computer system having a protocol stack configured to generate data packets (See col. 22, lines 44-54).

c. As per claims 3, 19 and 30, Yuasa et al teaches the claimed invention as described above. Furthermore, Yuasa et al teaches wherein the segment of data comprises a frame including one of the data packets (See col.

d. As per claims 4, 20, 31 and 39, Yuasa et al teaches the claimed invention as described above. Furthermore, Yuasa et al teaches wherein the portion comprises a VLAN ID (See col. 34, lines 49-63).

e. As per claim 5, Yuasa et al teaches wherein the VLAN ID is configured according to an IEEE 802.1Q VLAN protocol (See col. 33, lines 12-26).

f. As per claim 6, Yuasa et al teaches the claimed invention as described above. Furthermore, Yuasa et al teaches generating the VLAN ID based on a network address (See col. 33, lines 46-52).

g. As per claims 7, 21 and 32, Yuasa et al teaches the claimed invention as described above. Furthermore, Yuasa et al teaches wherein the segment is filtered from the network connection if the portion corresponds to the identifier (See col. 34, lines 49-67 and col. 35, lines 1-16).

h. As per claims 8, 22 and 33, Yuasa et al teaches the claimed invention as described above. Furthermore, Yuasa et al teaches wherein the segment is filtered from the network connection if

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the portion does not correspond to the identifier (See col. 34, lines 49-67 and col. 35, lines 1-16).

i. As per claims 9, 23 and 34, Yuasa et al teaches the claimed invention as described above. Furthermore, Yuasa et al teaches wherein the filtering comprises blocking the segment from being transmitted over the network connection (See col. 36, lines 60-67 and col. 37, lines 1-6).

j. As per claims 11, 25 and 36, Yuasa et al teaches the claimed invention as described above. Furthermore, Yuasa et al teaches wherein the identifier is inaccessible by the host system (See col. 35, lines 1-16 and col. 44, lines 18-43).

k. As per claims 12, 26 and 37, Yuasa et al teaches the claimed invention as described above. Furthermore, Yuasa et al teaches wherein the identifier is inaccessible by the host system after a boot phase (See col. 35, lines 1-16, col. 44, lines 18-43 and col. 46, line 9—24).

l. As per claim 13, Yuasa et al teaches the claimed invention as described above. Furthermore, Yuasa et al teaches wherein the segment is accepted from the host system over a data bus (See col. 23, lines 34-44).

m. As per claim 14, Yuasa et al teaches the claimed invention as described above. However, Yuasa et al fails to teach accepting a second segment of data from a physical layer network interface, a portion of the second segment identifying a broadcast domain; comparing the portion of the second segment with an identifier for a broadcast domain associated with the host system;

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and sending the second segment to the host system if the portion of the second segment corresponds to the identifier for the broadcast domain associated with the host system (See col. 31, lines 31-35 and col. 34, lines 50-67).

n. As per claim 15, Yuasa et al teaches the claimed invention as described above. Furthermore, Yuasa et al teaches wherein the identifier for the broadcast domain associated with the host system is inaccessible by the host system (See col. 35, lines 1-16 and col. 44, lines 18-43).

o. As per claim 16, Yuasa et al teaches the claimed invention as described above. Furthermore, Yuasa et al teaches wherein the identifier for the broadcast domain associated with the host system is inaccessible by the host system after a boot phase (See col. 35, lines 1-16, col. 44, lines 18-43 and col. 46, line 9-24).

p. As per claim 28, Yuasa et al teaches the claimed invention as described above. Furthermore, Yuasa et al teaches a management system having a protocol stack configured to generate management packets (See

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10, 24 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,085,238 to Yuasa et al in view of U.S. Patent No. 6,647,006 to Rasanen.

a. As per claims 10, 24 and 35, Yuasa et al teaches the claimed invention as described above. However, Yuasa et al fails to teach wherein the filtering comprises intentionally corrupting the segment so that the segment is discarded from traffic received over the network connection.

Rasanen teaches intentionally corrupting the segment (See col. 7, lines 28-52).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Rasanen in the claimed invention of Yuasa et al in order to discard the frame (See col. 7, lines 28-52).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,307,837 to Ichikawa et al teaches a method and base station for packet transfer.

U.S. Patent No. 6,775,290 to Merchant et al teaches Multiport Network Switch supporting Multiple VLAN per port.

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U.S. Patent No. 6,990,106 to Bhatia teaches Classification and Tagging Rules for Switching Nodes.

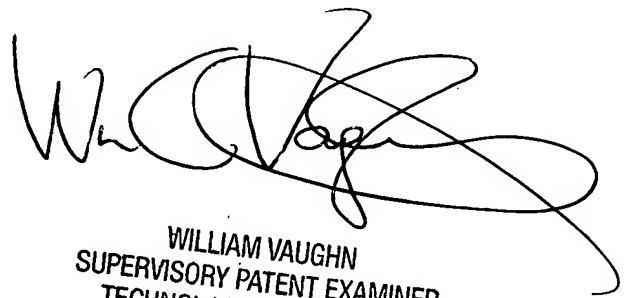
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Djenane Bayard

Patent Examiner



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